

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Charles W. Theisler,

Case No. 4:08 CV 1363

Petitioner,

MEMORANDUM OPINION
AND ORDER

-vs-

JUDGE JACK ZOUHARY

Rich Gansheimer,

Respondent.

The Court has reviewed the Report and Recommendation (R&R) of Magistrate Judge Armstrong filed May 14, 2009 (Doc. No. 14). Under the relevant statute (28 U.S.C. § 636(b)(1)):

Within ten days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

In this case, the ten-day period has elapsed and no objections have been filed. The failure to file written objections constitutes a waiver of a de novo determination by the district court of an issue covered in the R&R. *United States v. Sullivan*, 431 F.3d 976, 984 (6th Cir. 2005).

After reviewing the Petition for Writ of Habeas Corpus (Doc. No. 1), the State's Return of Writ (Doc. No. 7), Petitioner's Traverse (Doc. No. 13), and the Magistrate's R&R (Doc. No. 14), the Court adopts the R&R in its entirety. The Petition is denied. Furthermore, this Court certifies that an appeal could not be taken in good faith pursuant to 28 U.S.C. § 2253(c).

IT IS SO ORDERED.

s/ Jack Zouhary
JACK ZOUHARY
U. S. DISTRICT JUDGE

June 4, 2009